



<b>Circular Details</b>	Circular No 22-38 / 13 December 2022 / A844528
<b>Previous Circular</b>	21-38 <i>Consultation on review of the councillor misconduct framework</i>
<b>Who should read this</b>	Councillors / General Managers / All council staff / conduct reviewers
<b>Contact</b>	Council Governance Team / 02 4428 4100 / <a href="mailto:olg@olg.nsw.gov.au">olg@olg.nsw.gov.au</a>
<b>Action required</b>	Response to OLG

## Consultation on the outcomes of the review of the councillor misconduct framework

### What's new or changing

- Mr Gary Kellar PSM has completed his review of the councillor misconduct framework and has provided his report to the Minister.
- Mr Kellar's report, *Focus on Civic Responsibility: Councillor Conduct Accountability in New South Wales*, is available on the Office of Local Government's website [here](#).
- A consultation guide has been developed to focus attention on some of the key recommendations contained in the report. The consultation guide should be read in conjunction with the Mr Kellar's report.
- The Government is seeking the views of the public, local government sector and others on Mr Kellar's findings and recommendations to inform its response to them.

### What this will mean for your council

- Anyone, including the general public, councils, individual councillors and council staff, can make written submissions in response to the consultation paper.
- Councils' complaints coordinators should also provide a copy of Mr Kellar's report to their conduct reviewers and advise them of the opportunity to make written submissions in response to the report.
- The consultation guide provides information about how to make a submission.
- Submissions should be made by **COB 3 February 2023**.

### Key points

- Mr Kellar was appointed to undertake an independent review of the framework for dealing with councillor misconduct in New South Wales.
- Mr Kellar was a member of the expert panel which conducted a review of the local government misconduct framework in Queensland in 2017 and was general manager of Logan City Council for 26 years.
- Mr Kellar's review has examined the current administrative framework under which complaints about councillor misconduct are managed, with the aim of identifying areas for improvement. The review has included an examination of similar frameworks used in other jurisdictions.

- Mr Kellar has made 49 recommendations.
- Among other things, Mr Kellar has recommended the establishment of a new framework for dealing with councillor misconduct in which code of conduct complaints about councillors are managed by regionally based Independent Councillor Conduct Review Panels under the regulatory oversight of an independent Councillor Conduct Commissioner. Panels will have stronger disciplinary powers than those currently available to councils including the ability to impose monetary penalties. Councils will be required to meet the panels' and the Commissioner's costs in dealing with complaints about their councillors.
- Other recommendations include:
  - requiring candidates at local government elections to participate in training before they can nominate
  - mandating training for councillors
  - allowing councillors to be prosecuted for breaches of their oaths of office
  - empowering mayors to expel councillors from meetings for disorder, and
  - placing a positive duty on mayors to deal with disorder at meetings – a failure by mayors to do so will constitute serious misconduct.

#### **Where to go for further information**

- Mr Kellar's report and the consultation guide is available on OLG's website [here](#).
- For further information, please contact OLG's Council Governance Team on 02 4428 4100 or by email at [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au).

**Melanie Hawyes**  
**Deputy Secretary Crown Lands and Local Government**